

## Message Text

CONFIDENTIAL

PAGE 01 MANILA 01389 01 OF 02 061233Z

51

ACTION EA-14

INFO OCT-01 ISO-00 IO-14 OMB-01 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03

SS-20 USIA-15 SAM-01 SAJ-01 DRC-01 /110 W

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P R 061000Z FEB 74

FM AMEMBASSY MANILA

TO SECSTATE WASHDC PRIORITY 870

INFO AMEMBASSY BANGKOK

AMCONSUL HONG KONG

USLO PEKING PRIORITY

AMEMBASSY SAIGON PRIORITY

AMEMBASSY TAIPEI PRIORITY

USUN PRIORITY 461

CINCPAC

C O N F I D E N T I A L SECTION 1 OF 2 MANILA 1389

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: PFOR, DH, VS, TW, PF, PG

SUBJECT: GOP PROTESTS ROC AND RVN SHOW OF FORCE IN SPRATLEYS

SUMMARY. PHILIPPINE NEWS AGENCY CARRIES TEXT OF TWO DIPLOMATIC NOTES CONVEYING FORMAL PROTESTS OF GOP TO ROC AND RVN AGAINST DISPLAY OF FORCE IN SPRATLYS. NOTES TRANSMITTED AND RELEASED TO PRESS FEB 5. BOTH NOTES REFER TO OCCUPATION OF THREE ISLANDS BY SOUTH VIETNAMESE INCLUDING PUGAD ISLAND. IN ADDITION, NOTE TO ROC CITES PRESENCE OF TWO ROC WARSHIPS DURING VIETNAMESE OPERATION. NOTES CHARACTERIZE GVN LANDINGS AS IN AREA KNOWN AS KALAYAAN (FREEDOMLAND), REITERATES GOP CLAIM TO KALAYAAN GROUP ON BASIS RES NULLIUS AND ARGUES KALAYAAN ISLANDS SEPARATE FROM SPRATLYS. NOTES ALSO ARGUE SPRATLYS PLACED AT DISPOSITION OF ALLIES BY 1961 TREATY OF PEACE WITH JAPAN AND NOT SUBJECT TO CLAIMS OF ANY  
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PAGE 02 MANILA 01389 01 OF 02 061233Z

SINGLE COUNTRY. THUS, GOP PROTESTS ACTIONS ROC AND RVN

AND URGES MATTER BE BROUGHT TO ATTENTION OF UNITED NATIONS  
OR ALLIES SIGNATORY TO JAPANESE PEACE TREATY END SUMMARY

A. TEXT OF NOTE SENT TO RVN AS FOLLOWS:

BEGIN TEXT

EXCELLENCY:

1. I WISH TO REFER TO OUR CONVERSATION THIS MORNING  
IN MY OFFICE CONCERNING THE ARRIVAL AND CONTINUING PRESENCE  
IN THE GROUP OF ISLANDS SOMETIMES REFERRED TO AS THE  
SPRATLYS OF ELEMENTS OF A JOINT ARMY-NAVY TASK FORCE OF  
THE REPUBLIC OF VIETNAM.

2. THE PHILIPPINE GOVERNMENT HAS RECEIVED INFOR-  
MATION THROUGH ITS DEPARTMENT OF NATIONAL DEFENSE THAT  
SAID JOINT AARMY-NAVY TASK FORCE COMPOSED OF A PATROL  
CRAFT ESCORT AND A LANDING SHIP WAS SENT TO THE SPRATLYS  
WITH THE MISSION OF OCCUPYING FIVE OF THE ISLANDS. IN  
FACT, IT WAS REPORTED THAT BY 1 FEB 1974, SOUTH  
VIETNAMESE TROOPS WERE REPORTED TO HAVE LANDED ON TWO  
UNIDENTIFIED ISLANDS. IN ADDITION, THE ISLAND OF PUGAD  
WAS ALSO OCCUPIED.

3. THIS REPORTED LANDING OF THE VIETNAMESE ARMED  
FORCES PERSONNEL IN THE AREA KNOWN AS KALAYAAN IS A  
MATTER OF GRAVE CONCERN TO THE PHILIPPINE GOVERNMENT  
BECAUSE IT HAS PREVIOUSLY DECLARED THAT THE SAID AREA  
HAD BEEN ACQUIRED BY THE PHILIPPINES BY RIGHT OF OCCUPATION.  
THE ISLANDS OCCUPIED BY THE PHILIPPINES ARE LAWAK ISLAND,  
PAGASA ISLAND, KOTA ISLAND, LIKAS ISLAND AND FARELA ISLAND.

4. THESE ISLANDS DO NOT FORM PART OF THE SPRATLY  
ISLAND GROUP. IN FACT, THEY ARE LOCATED ABOUT 200 MILES  
TO THE NORTHEAST THEREOF. THE DISTANCE FROM SAID ISLANDS  
TO PUERTO PRINCESA, PALAWAN, WHICH LIES DIRECTLY EAST, IS  
ABOUT 250 MILES, AND A STRAIGHT LINE TO THE REPUBLIC OF  
CHINA IS ABOUT 960 MILES. THEY ARE ABOUT 350 MILES FROM  
THE SHORELINE OF VIETNAM. ON THIS BASIS ALT E, THE  
STRATEGIC IMPORTANCE OF SAID ISLANDS TO THE PHILIPPINES  
IS CLEAR. WE HAVE OCCUPIED SAID ISLANDS AS THEY WERE  
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PAGE 03 MANILA 01389 01 OF 02 061233Z

RES NULLIUS AND DID NOT BELONG TO ANY COUNTRY. THERE-  
FORE, SOVEREIGNTY OVER THEM COULD BE ACQUIRED BY  
OCCUPANCY.

5. IN THE TREATY OF PEACE WITH JAPAN, SIGNED IN  
SAN FRANCISCO IN 1951, THE FOLLOWING PROVISION IS MEN-  
TIONED WITH RESPECT TO HE PARACELS ANDTHE SPRATLYS:

"(F) JAPAN RENOUNCES ALL RIGHT, TITLE AND  
CLAIM TO THE SPRATLY ISLANDS AND TO THE PARACEL ISLAND,  
(ARTICLE 2)"

6. IS IS OBVIOUS FROM THE TREATY THAT THE PARACELS  
AND THE SPRATLYS WERE NOT CEDED TO ANY COUNTRY BUT  
ARE SUBJECT TO THE DISPOSITION OF THE ALLIES IN THE LAST  
WORLD WAR. BY NO MEANS, THEREFORE, CAN ANY SINGLE COUNTRY  
ACQUIRE SOVEREIGNTY OVER THE PARACELS AN THE SPRATLYS BY  
THE USE OF DISPLAY OF FORCE IN THE VICINITY THEREOF.  
WE REGRET TO SAY THAT SUCH AN ACT WOULD BE IN VIOLATION  
OF INTERNATIONAL LAW AS WELL AS THE CHARTER OF THE UNITED  
NATIONS. WE URGE THAT THIS MATTER BE BROUGHT TO THE ATTEN-  
TION OF THE UNITED NATIONS OR TO THE ALLIES SO THAT THIS  
MATTER MAY BE RESOLVED PEACEFULLY TO THE SATISFACTION OF  
ALL CONCERNED.

7. ACCORDINGLY, I WOULD REQUEST YOUR EXCELLENCY TO  
CONVEY THIS PROTEST IMMEDIATELY TO THE GOVERNMENT OF THE  
REPUBLIC OF VIETNAM IN ORDER THAT IT MAY RECEIVE IMMEDIATE  
AND APPROPRIATE CONSIDERATION.

8. ACCEPT , EXCELLENCY, THE RENEWED ASSURANCES OF  
MY HIGHEST CONSIDERATION. END TEXT

B. TEXT OF NOTE SENT TO ROC AS FOLLOWS: BEGIN TEXT

EXCELLENCY:

1. I WISH TO REFER TO OUR CONVERSATION THIS MORNING  
IN MY OFFICE CONCERNING THE ARRIVAL AND CONTINUING PRESENCE  
IN THE GROUP OF ISLANDS SOMETIMES REFERRED TO AS THE  
SPRATLYS OF ELEMENTS OF A JOINT ARMY-NAVY TASK FORCE OF  
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PAGE 04 MANILA 01389 01 OF 02 061233Z

THE REPUBLIC OF VIETNAM.

2. THE PHILIPINE GOVERNMENT HAS RECEIVED INFORMATION  
THROUGH ITS DEPARTMENT OF NATIONAL DEFENSE THAT  
SAID JOINT ARMY-NAVY TASK FORCE COMPOSED OF A PATROL  
CRAFT ESCORT AND A LANDING SHIP WAS SENT TO THE SPRATLYS  
WITH THE MISSION OF OCCUPYING FIVE OF THE ISLANDS. IN  
FACT, IT WAS REPORTED THAT BY 1 FEBRUARY 974, SOUTH VIET-  
NAMESE TROOPS WERE REPORTED TO HAVE LANDED ON TWO UNIDENTI-  
FIED ISLANDS. IN ADDITION, THE ISLAND OF PUGAD WAS ALSO  
OCCUPIED.  
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PAGE 01 MANILA 01389 02 OF 02 061230Z

51

ACTION EA-14

INFO OCT-01 ISO-00 IO-14 OMB-01 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03

SS-20 USIA-15 SAM-01 SAJ-01 DRC-01 /110 W

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P R 061000Z FEB 74

FM AMEMBASSY MANILA

TO SECSTATE WASHDC PRIORITY 871

INFO AMEMBASSY BANGKOK

AMCONSUL HONG KONG

USLO PEKING PRIORITY

AMEMBASSY SAIGON PRIORITY

AMEMBASSY TAIPEI PRIORITY

USMISSION USUN PRIORITY

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C O N F I D E N T I A L SECTION 2 OF 2 MANILA 1389

CINCPAC FOR POLAD

3. FURTHERMORE, THE DEPARTMENT IS INFORMED THAT DURING THE LANDING OF THE VIETNAMESE TROOPS, TWO NAVAL DESTROYERS OF THE REPUBLIC OF CHINA WERE PRESENT IN THE GENERAL AREA.

4. IN THIS CONNECTION, THE DEPARTMENT HAS THE HONOR TO REFER TO ITS NOTE NO. 72-1999, DATED 28 JULY 1972, ADDRESSED TO THE EMBASSY, STATING THAT KALAYAAN, SOMETIMES REFERRED TO AS THE SPRATLYS, HAD BEEN ACQUIRED BY RIGHT OF OCCUPATION. THE ISLANDS OCCUPIED BY THE PHILIPPINES ARE LAWAK ISLAND, PAGASA; ISLAND, KOTA ISLAND, LIKAS ISLAND AND PAROLA ISLAND.

5. THESE ISLANDS DO NOT FORM PART OF THE SPRATLY ISLAND GROUP. IN FACT, THEY ARE LOCATED ABOUT 200 MILES TO THE NORTHEAST THEREOF. THE DISTANCE FROM SAID ISLANDS TO PUERTO PRINCESA, PALAWAN, WHICH LIES DIRECTLY EAST, IS  
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PAGE 02 MANILA 01389 02 OF 02 061230Z

ABOUT 250 MILES, AND A STRAIGHT LINE TO THE REPUBLIC OF CHINA IS ABOUT 950 MILES. THEY ARE ABOUT 350 MILES FROM THE SHORELINE OF VIETNAM. ON THIS BASIS ALONE, THE STRATEGIC IMPORTANCE OF SAID ISLANDS TO THE PHILIPPINES IS CLEAR. WE HAVE OCCUPIED SAID ISLANDS AS THEY WERE RES NULLIUS AND DID NOT BELONG TO ANY COUNTRY. THEREFORE, SOVEREIGNTY OVER THEM COULD BE ACQUIRED BY OCCUPANCY.

6. IT WAS POINTED OUT IN SAID NOTE TO THE EMBASSY THAT KALAYAAN IS OF STRATEGIC IMPORTANCE TO THE SECURITY OF THE PHILIPPINES, AND THAT IT WAS, IN FACT, USED AS A STAGING AREA FOR THE INVASION OF THE PHILIPPINES BY THE JAPANESE IMPERIAL FORCES DURING WORLD WAR II. FOR THIS REASON, THE PHILIPPINES HAS EVERY RIGHT TO FEEL THE NECESSITY OF SECURING THIS REA FOR ITS PROTECTION.

7. IN THE TREATY OF PEACE WITH JAPAN, SIGNED IN SAN FRANCISCO IN 1951, THE FOLLOWING PROVISION IS MENTIONED WITH RESPECT TO THE PARACELS AND THE SPRATLYS:

"(F) JAPAN RENOUNCES ALL RIGHT, TITLE AND CLAIM TO THE SPRATLY ISLANDS AND TO THE PARACEL ISLANDS." (ARTICLE 2).

8. IT IS OBVIOUS FROM THE TREATY THAT THE PARACELS AND THE SPRATLYS WERE NOT CEDED TO ANY COUNTRY BUT ARE SUBJECT TO THE DISPOSITION OF THE ALLIES IN THE LAST WORLD WAR. BY NO MEANS, THEREFORE, CAN ANY SINGLE COUNTRY ACQUIRE SOVEREIGNTY OVER THE PARACELS AND THE SPRATLYS BY THE USE OR DISPLAY OF FORCE IN THE VICINITY THEREOF. WE REGRET TO SAY THAT SUCH AN ACT WOULD BE IN VIOLATION OF INTERNATIONAL LAW AS WELL AS THE CHARTER OF THE UNITED NATIONS.

9. IN THIS LIGHT, THE PHILIPPINE GOVERNMENT WISHES TO EXPRESS ITS STRONG PROTEST TO THE GOVERNMENT OF THE REPUBLIC OF CHINA IN VIEW OF THE DISPLAY OF FORCE THAT THE LATTER HAS EMBARKED UPON IN THE AREA. THE PHILIPPINE GOVERNMENT ABIDES BY THE PROVISIONS OF THE UNITED NATIONS CHARTER CONCERNING THE PEACEFUL SETTLEMENT OF DISPUTES AND DEEPLY REGRETS THE ACTION TAKEN BY THE REPUBLIC OF CHINA IN THIS MATTER WHICH HAS CAUSED TENSION AND

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PAGE 03 MANILA 01389 02 OF 02 061230Z

DISTURBANCE OF THE PEACE AND SECURITY IN THE AREA. WE URGED THAT THIS MATTER BE BROUGHT TO THE ATTENTION OF THE UNITED NATIONS OR TO THE ALLIES SO THAT THIS MATTER MAY BE RESOLVED PEACEFULLY TO THE SATISFACTION OF ALL CONCERNED.

10. ACCORDINGLY, I WOULD REQUEST YOUR EXCELLENCY TO CONVEY THIS PROTEST IMMEDIATELY TO THE GOVERNMENT OF THE REPUBLIC OF CHINA IN ORDER THAT IT MAY RECEIVE IMMEDIATE AND APPROPRIATE CONSIDERATION.

11. ACCEPT, EXCELLENCY, THE RENEWED ASSURANCES OF MY HIGHEST CONSIDERATION. END TEXT

COMMENT: ACCOMPANYING PRESS COMMENT THOUGH HEAVY IS UNEMOTIONAL IN TONE. NOTES REPRESENT CAREFUL AND DELIBERATE ADVANCE OF GOP CLAIM TO "FREEDOMLAND." FOR FIRST TIME, THEY ASSIGN TAGALOG NAME -KALAYAAN- TO AREA OF GOP CLAIM. THEY WARN OFF THE TWO RELATIVELY MINOR CONTENDERS TO THE ISLANDS IN TERMS SUGGESTING CLOSE SURVEILLANCE OF PHILIPPINE CLAIMED TERRITORY. AND THEY URGE IN EFFECT ON ALL CONTENDERS THE GOP POSITION THAT ALL CLAIMS IN AREA BE RESOLVED PEACEFULLY AND LEGALLY THROUGH UN OR WORLD WAR II ALLIES. SUBSTANCE OF NOTES NOT ESSENTIALLY DIFFERENT FROM POSITION ADVANCED IN 1971 BUT AS DRAFTED AND PUBLICIZED THEY DO ATTEMPT TO ESTABLISH MUCH FIRMER EXPRESSION OF PHILIPPINE CLAIM FOR RECOGNITION AND APPRECIATION BY INTERESTED PARTIES. GOP PREPARING FOR LONG HAUL WHILE KEEPING FINGERS CROSSED PRC WILL NOT MOVE IN AND PREMATURELY END DEBATE.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** ISLAND CLAIMS, SHOW OF FORCE, DIPLOMATIC PROTESTS, MILITARY OCCUPIED AREAS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 06 FEB 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Enclosure:** n/a  
**Executive Order:** GS  
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**Page Count:** 6  
**Previous Channel Indicators:**  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** TO OCCUPATION OF THREE ISLANDS BY SO, UTH VIETNAMESE  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 27 JUN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <27 JUN 2002 by rowelle0>; APPROVED <31 DEC 2002 by golinofr>  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** GOP PROTESTS ROC AND RVN SHOW OF FORCE IN SPRATLEYS SUMMARY. PHILIPPINE NEWS AGENCY CARRIES TEXT OF TWO  
**TAGS:** PFOR, CH, VS, TW, PF, PG  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005